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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/756,589	01/13/2004	Stephan Olivier Van Banning	47161-00043USPT	1772
30223	7590	06/18/2007		
NIXON PEABODY LLP 161 N. CLARK STREET 48TH FLOOR CHICAGO, IL 60601-3213			EXAMINER ENSEY, BRIAN	
			ART UNIT 2615	PAPER NUMBER
			MAIL DATE 06/18/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

**Advisory Action
Before the Filing of an Appeal Brief**

Application No.

10/756,589

Applicant(s)

VAN BANNING ET AL.

Examiner

Brian Ensey

Art Unit

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--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 25 May 2007 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☐ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
(b) ☐ They raise the issue of new matter (see NOTE below);
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

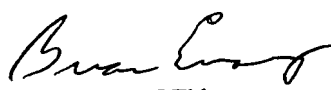
4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☒ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
The status of the claim(s) is (or will be) as follows:
Claim(s) allowed: _____
Claim(s) objected to: 15, 27 and 28.
Claim(s) rejected: 14, 16, 18 and 26.
Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☐ The request for reconsideration has been considered but does NOT place the application in condition for allowance because: _____.
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s). _____.
13. ☒ Other: See Continuation sheet.


BRIAN ENSEY
PRIMARY EXAMINER
6/13/07

ADVISORY ACTION

The examiner appreciates Attorney Tang's efforts to amend the current application to forward prosecution. However, due to time constraints and awaiting for the applicant's response, the examiner must respond to the current after final response submitted on 5/22/07.

The examiner would like to thank Attorney Tang for the dependency correction for claims 15, 16, 18 and 27 and the cancellation of the non-elected claims from the previous restriction requirement.

Claims 14-16, 18 and 26-28 stand rejected as stated in the Final Rejection mailed on 3/23/07.

Response to Arguments

Applicant's arguments filed 5/22/07 have been fully considered but they are not persuasive for at least the following reasons.

With respect to the applicant's argument that magnetic strap 26 is not part of the bobbin, the examiner disagrees. The examiner submits that the bobbin structure of Imahori consists of bobbin end (36), bobbin (22) magnet positioning portions (40) and magnetic strap (26) which provide a center structure upon which coil (28) is wound. The applicant asserts the magnetic strap 26 cannot be considered a part of the bobbin 22 because, as is clear from Figures 5 and 6, the magnetic strap 26 is not even physically in contact with the bobbin 22. A coil 28 is wound around the pair of beams that are extended in the front and rear direction to form the coil core 38. (Col. 5, 11.26-37). The magnetic strap 26 overlays the coil 28 and thus does not touch the bobbin 22 and therefore cannot be part of the bobbin. However, the examiner disagrees. The pair of beams form the core coil upon which the coil is wound and therefore forms part of the bobbin.

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The beams are merely extended past the bobbin plate (2) for attachment of the magnetic strap (26) which abuts the (22) and is therefore an extension of said bobbin.

With respect to the applicant's argument that bobbin (22) is non metallic and therefore can not be welded to armature (20). The examiner disagrees. On page 9 of the applicant's arguments in the last paragraph the applicant states, "the magnet strap 26 of Imahori merely serves, through its vertical plane side portions, as a place to support and attach **(by laser welding)** the armature side wall portion 32b." This contradicts the previous statement that welding cannot occur. The examiner submits that the side wall of the armature (32b) provides the attaching feature (by laser welding) upon assembly of the balanced armature transducer.

With respect to the applicant's argument that "automatic centering" is not performed as a result of engagement of the armature and bobbin, the examiner disagrees. The fact that the transducer has a balanced armature inherently necessitates that the armature be centered. The assembly is fixed and welded providing a finished transducer with a centered and therefore it is the opinion of the examiner that this is an "automatic" function of the assembly process.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brian Ensey whose telephone number is 571-272-7496. The examiner can normally be reached on Monday - Friday 6:30 AM - 3:00 PM.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks
P.O. Box 1450
Alexandria, Va. 22313-1450

Or faxed to:

(571) 273-8300, for formal communications intended for entry and for informal or draft communications, please label "PROPOSED" or "DRAFT".

Hand-delivered responses should be brought to:

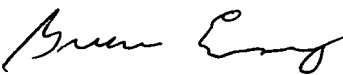
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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sinh Tran can be reached on 571-272-7564. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


BRIAN ENSEY
PRIMARY EXAMINER
6/13/07